

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi [signature]
Chief Financial Officer

DATE: May —4, 2004

SUBJECT: Fiscal Impact Statement: “Alcoholic Beverage Penalty Act of 2004”

REFERENCE: Draft Legislation – Bill Number Not Available

Conclusion

Funds are sufficient in the FY 2005 through FY 2008 budget and financial plan to implement the proposed legislation because no additional staff or resources would be required.

Background

The proposed legislation would clarify and revise the criminal and civil penalties imposed on people who (1) under the age of twenty-one purchase, attempt to purchase, possess or drink an alcoholic beverage; (2) make false representations or possess or present fraudulent identification for the purchase, possession or drinking of an alcoholic beverage or entering of certain establishments. It would include driving privilege suspensions in addition to fines for all violations with the amount of the fine and the length of the suspension determined by how many times the accused has violated the statute. It also would clarify that civil penalties may be imposed in lieu of criminal prosecution.

According to the Office of Corporation Counsel, the language in the current statute led to a D.C. Court of Appeals decision (*Cass v. District of Columbia*, 829 A.2d 480 (D.C. 2003)) that held that the District law governing underage possession of alcohol was non-criminal. This decision has resulted in considerable litigation based on OCC appeals to

the dismissal of underage drinking violations and at least one civil lawsuit against the Metropolitan Police Department for criminally enforcing the existing law.

Financial Plan Impact

Funds are sufficient in the FY 2005 through FY 2008 budget and financial plan to implement the proposed legislation because no additional staff or resources would be required. To the extent that litigation is reduced as a result of the penalty clarifications, the proposed legislation could result in reduced litigation and therefore reduced costs to the District. Any such savings, should they occur, cannot be estimated at this time.